

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicants thank the Examiner for carefully considering this application and for indicating that the formal drawings filed on July 16, 2003 are accepted.

Disposition of Claims

Claims 1-4, 7-18, and 21-23 are pending in the present application. Claims 1, 8, and 15 are independent. The remaining claims depend, either directly or indirectly, from claims 1, 8, and 15.

Claim Amendments

Independent claim 1 is amended to correct informalities objected to by the Examiner. Applicants respectfully assert no new matter has been introduced by way of this amendment and no further search or consideration is required.

Claim Objections

The Examiner objects to claim 1 based on informalities. Specifically, the Examiner objects to claim 1 as failing to provide sufficient antecedent basis. See Office Action dated January 4, 2007 at page 2. By way of this reply, claim 1 is amended to correct the informalities. Accordingly, withdrawal of this objection is respectfully requested.

Rejections under 35 U.S.C. §103

Claims 1-4 and 7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,654,814 (hereinafter “Britton”), in view of U.K. Patent Application Publication No. GB2368147A (hereinafter “Guryel”), and in further view of U.S. Patent No. 6,901,429 (hereinafter “Dowling”). For the reasons set forth below, this rejection is respectfully traversed.

Independent claim 1 recites, in part,

...retrieving an entry from a list of attributes, *said entry selected first according to said type of device and second according to said characteristic* when said list does not include said entry that corresponds to said type of device, wherein *said entry is presented to said device for use...*

The Examiner admits these limitations are not disclosed by Britton. Instead, the Examiner relies on Guryel and Dowling to teach or suggest what Britton lacks. Specifically, the Examiner has attempted to equate the admissible list of users, the network station, and the identity of the user, as disclosed by Guryel, with the list of attributes, the type of device, and the characteristic of the device type, respectively, as recited by independent claim 1. *See* Office Action dated January 4, 2007 at pages 3 and 4. The Examiner has also attempted to associate a uniform resource locator (URL), as disclosed by Dowling, with an entry as recited by independent claim 1. *See* Office Action dated January 4, 2007 at page 4. Applicants respectfully assert both (i) these associations are improper, and (ii) even assuming *arguendo* that these associations are proper, Britton, Guryel, and Dowling, whether viewed separately or in combination, still do not teach or suggest each and every limitation of independent claim 1.

Guryel discloses an access control system for a network of servers via a portal server. Specifically, Guryel discloses that in order for a user to access content on a network server, the

user must first be identified by and granted access by the portal server. The portal server uses a logon procedure, a network station being operated by the user, and an admissible list of users, internal to the portal server, to identify and grant access to the user. *See* Guryel at page 2, lines 21-27; page 3, lines 1-12. However, the entry selected from the list of attributes (*i.e.*, “list of admissible users”) is never presented to the device (*i.e.*, “network station”) for use, squarely contradicting independent claim 1. In fact, the entries of the admissible list of users are confined to the portal server in Guryel, and thus are never seen by the network station. Accordingly, an entry from the admissible list of users, as disclosed by Guryel, is not and cannot be equivalent to an entry from the list of attributes, as recited by independent claim 1. Further, any attempt to equate an entry from the admissible list of users, as disclosed by Guryel, with an entry from a list of attributes, as recited by independent claim 1, effectively requires reading out an explicit limitation of claim 1, which is wholly improper.

As discussed above, the Examiner erroneously equates an entry from the admissible list of users (*i.e.*, an admissible user), as disclosed by Guryel, with an entry from the list of attributes, as recited by independent claim 1. The Examiner admits neither Britton nor Guryel discloses presenting the entry to the device for use. *See* Office Action dated January 4, 2007 at page 4. Instead, the Examiner relies on Dowling to disclose what Britton and Guryel lack. Specifically, the Examiner states that Dowling discloses displaying a URL on a display surface. *See* Office Action dated January 4, 2007 at page 4. Although Applicants acknowledge that Dowling discloses displaying a URL on a display screen, Applicants assert that a URL is not an admissible user. Equating the URL disclosed by Dowling and the admissible user disclosed by Guryel is unrealistic and improper.

Even assuming *arguendo* that an entry from the admissible list of users, as disclosed by Guryel, is equivalent to an entry from the list of attributes, as recited by independent claim 1, Britton, Guryel, and Dowling, whether viewed separately or in combination, still do not teach or suggest the selection and retrieval methodology for an entry in the attribute list as recited by the independent claim 1. As discussed above, the Examiner admits Britton does not teach or suggest this limitation and relies upon Guryel to teach or suggest what Britton lacks. *See* Office Action dated January 4, 2007 at page 3. Applicants acknowledge that Guryel selects an entry from the admissible list of users. However, Applicants respectfully assert Guryel is silent regarding any algorithm to select the entry, and thus like Britton, cannot teach or suggest the selection and retrieval methodology for an entry as recited by independent claim 1. The selection and retrieval methodology recited in claim 1 is sufficiently complex and distinct to be neither anticipated nor obvious from Guryel. Dowling, like Britton and Guryel, is completely silent regarding the selection and retrieval methodology for an entry, and thus does not teach or suggest what Britton and Guryel lack.

In view of the above, Britton, Guryel, and Dowling, whether viewed separately or in combination, do not teach or suggest each and every limitation of independent claim 1. Thus, independent claim 1 is patentable over Britton, Guryel, and Dowling. Claims 2-4 and 7 depend directly from claim 1 and are allowable for at least the same reason. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 8-11 and 13 stand rejected under 35 U.S.C §103(a) as being unpatentable over Britton in view of Guryel. For the reasons set forth below, this rejection is respectfully traversed.

Independent claim 8 recites, in part,

... receiving information that identifies a type of device for which an attribute is to be stored, wherein said *attribute is dependent on said type of device*;...
entering said attribute into a list of attributes, wherein said list is organized into type-specific categories, wherein *said attribute is entered into a category specific to said type of device*...

The Examiner has attempted to equate a user preference, as disclosed by Britton, with an attribute as recited by independent claim 8. *See* Office Action dated January 4, 2007 at page 6.

The Examiner has also attempted to equate school/student information disclosed by Guryel, with an attribute as recited by independent claim 8. *See* Office Action dated January 4, 2007 at page 7. Applicants respectfully assert user preferences, as disclosed by Britton, are not equivalent to student/school information as disclosed by Guryel. Accordingly, rejecting independent claim 8 by alternatively associating the claim limitation ‘attribute’ with the user preferences disclosed by Britton and the school/student information disclosed by Guryel is wholly improper.

Britton discloses upon receiving a request from a user, retrieving one or more preferences associated with the user for use when responding to the request. The user preferences include, for example, image displays, starting screens, fonts, and display size. *See* Britton at column 11, lines 40-54. In contrast, Guryel discloses storing school/student information in one or more servers accessible through a portal server. School/student information may be made available to authorized student, teachers, school board administrators,

etc. *See* Guryel at page 2, lines 5-11. Applicants respectfully assert it would be clear to one of ordinary skill in the art that user preferences, as disclosed by Britton are not and cannot be equivalent to school/student information as disclosed by Guryel. In fact, any attempt to equate user preferences with school/student information is totally unrealistic. Thus, it is improper to reject independent claim 8 by alternatively associating the claim limitation 'attribute' with the user preferences disclosed in Britton and the school/student information disclosed by Guryel. Claims 9-11, and 13 depend from claim 8 and thus are improperly rejected for at least the same reasons. Accordingly, withdrawal of this improper rejection is respectfully requested.

Claims 12 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Britton, in view of Guryel, and in further view of Dowling. As discussed above, Applicants respectfully assert the rejection of independent claim 8 by the Examiner is improper. Dowling does not cure the improper nature of the rejection of independent claim 8. Claims 12 and 14 depend directly from claim 8 and thus the rejection of claims 12 and 14 is improper as well. Accordingly, withdrawal of this improper rejection is respectfully requested.

Claims 15, 16 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Britton in view of U.S. Patent No. 7,010,537 (hereinafter "Eyal"). For the reasons set forth below, this rejection is respectfully traversed.

As an initial note, Applicants respectfully assert this rejection is identical to the rejection asserted in the Final Office Action dated June 29, 2006. Applicants responded to this rejection in the Pre-Appeal Brief filed August 29, 2006. Accordingly, Applicants respectfully

request that the Examiner, at a minimum, explain why Applicants' earlier response to this identical rejection is not persuasive.

In addition, the Notice of Panel Decision from Pre-Appeal Brief Review dated October 13, 2006, clearly states that the rejection is *withdrawn*. Thus, the Panel Decision clearly requires that a *ground of rejection* be withdrawn. To the contrary, claims 15, 16, and 18 stand rejected under the exact same grounds cited in the Final Office Action dated June 29, 2006. In other words, the Examiner is merely restating the previous rejections of claims 15, 16, and 18, relying on *exactly the same prior art and arguments*. Clearly, *no* ground of rejection has been withdrawn *whatsoever*, which is wholly improper in view of the Notice of Panel Decision from Pre-Appeal Brief Review dated October 13, 2006. *See* MPEP § 1205.02, 1207.02.

A detailed discussion of the Pre-Appeal Brief Conference Pilot Program can be found in the Official Gazette Notices published July 12, 2005 (hereinafter "the OG Notices"). Specifically, the OG Notices clearly state:

The goals of the program are (1) to identify the presence or absence of clearly improper rejections *based upon error(s) in facts*, or (2) to identify the omission or presence of *essential elements* required to establish a prima facie rejection.

Emphasis added. In other words, the *expressly stated* purpose of Pre-Appeal practice is to identify rejections that are either (i) factually erroneous, or (ii) fail to address *each and every* element of the claimed invention.

In view of the above, the fact that the present application was remanded to the Examiner by the Pre-Appeal Panel clearly indicates that the Examiner's existing arguments

regarding claims 15, 16, and 18 are erroneous and/or fail to address *each and every* element of the claimed invention. Accordingly, the Examiner is required to address such errors in fact and/or missing elements as were identified by the Pre-Appeal Panel. Clearly, merely *restating* the existing grounds of rejection does not serve *either purpose whatsoever*. Thus, the Examiner is clearly ignoring the expressly stated purpose of Pre-Appeal practice, which is wholly improper. Accordingly, withdrawal of this improper rejection is respectfully requested

Further, independent claim 15, like independent claim 1, recites, in part, a retrieval process for selecting an attribute from a list of attributes. The Examiner admits similar limitations in independent claim 1 are not disclosed by Britton. *See* Office Action dated January 4, 2007 at page 3. Applicants respectfully assert that Eyal does not teach or suggest what Britton lacks as is evidenced by the fact that the Examiner relies on Eyal solely to teach “wherein said first attribute and second attribute are usable by said device.” Office Action dated January 4, 2007 at page 10. Therefore, Britton and Eyal, whether viewed separately or in combination, do not teach or suggest each and every limitation of independent claim 15. Thus, independent claim 15 is patentable over Britton and Eyal. Claims 16 and 18 are directly dependent on claim 15 and are allowable for at least the same reason. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 17 and 21-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Britton in view of Eyal, as applied to claims 15, 16, and 18, and in further view of Dowling. As discussed above, the use of Britton and Eyal to reject independent claim 15 is improper. Dowling does not cure the improper nature of the rejection of independent claim 15. Claims 17

and 21-23 depend directly from claim 15 and thus are improperly rejected as well. Accordingly, withdrawal of this improper rejection is respectfully requested.


Moreover, as previously explained, independent claim 15 is patentable over Britton and Eyal. Claims 17 and 21-23 depend directly from claim 15, and thus are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicants believe this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 03226/513001).

Dated: March 30, 2007

Respectfully submitted,

By  #50272
Robert P. Lord
Registration No.: 46,479
OSHA · LIANG LLP
1221 McKinney St., Suite 2800
Houston, Texas 77010
(713) 228-8600
(713) 228-8778 (Fax)
Attorney for Applicants